

Application No. 10/762,557  
Reply dated August 31, 2005  
Response to Office Action dated May 31, 2005

### **REMARKS/ARGUMENT**

#### **Description of amendments**

Claims 10-14 are newly submitted. Claims 1-9 have been cancelled. No new matter has been added.

Claims 10-14 are supported by the application as originally filed (see, for example, the paragraph bridging pages 7 and 8, and original claims 1-9).

#### **Rejection under 35 U.S.C. §112, second paragraph**

Claim 5 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The rejection has been rendered moot by the cancellation of claim 5.

#### **Rejections under 35 U.S.C. §§102 and 103(a)**

Claims 1 and 3-9 were rejected under 35 U.S.C. §102(b) as being anticipated by Brieden (DE 197 16 085). Claims 1 and 6-9 were rejected under 35 U.S.C. §102(b) as being anticipated by Straubel (DE 195 38 883). Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Brieden. These rejections have been rendered moot by the cancellation of claims 1-9.

#### **Patentability of new claims 10-14**

For the following reasons, new claims 10-14 are patentable over the cited references.

An aspect of the invention lies in the fact that a complete unit, namely the return line can be constructed independently of the filter element, and can be integrated into the filter

Application No. 10/762,557  
Reply dated August 31, 2005  
Response to Office Action dated May 31, 2005

element when the filter element is assembled. This has the advantage that the end disks need to have only through openings and otherwise no changes have to be made to the filter element itself. The possibility thus exists for equipping a filter element without a return line or with a return line.

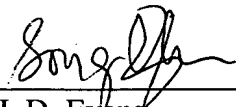
In Brieden one end plate is equipped with a tube 7; this runs out to above the opposite end plate. Such a compound is complicated to make and ultimately also in the case of assembly with the second end plate and the filter element.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #037141.53160US).

August 31, 2005

Respectfully submitted,



---

J. D. Evans

Registration No. 26,269

Song Zhu, Ph.D.

Registration No. 44,420

CROWELL & MORING LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844  
JDE:SZ:tlm (394102)